

SPECIAL MEETINGS

STUDY SESSION - 6:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Wozniak, Lieberman, Braunstein

COUNCILMEMBERS ABSENT: Warden

Staff Present: City Manager Scoles, City Attorney Zafferano, Human Resources Director Dino, Police Chief Mattei, Community Development Director de Melo, City Treasurer Violet, City Clerk Cook.

Caltrain Presentation Regarding High Speed Rail

Mayor Wozniak noted that the City Council had questions regarding Caltrain's relationship with the high-speed rail project, and a representative from Caltrain was invited to address this issue.

Mark Simon, Public Relations Executive Officer for Caltrain, provided a background of train service on the Peninsula. He noted that Caltrain is using the same service model since 1865. He explained the relationship between Caltrain and Samtrans. He noted that Samtrans has been subsidizing Caltrain, but cannot continue to do so. Caltrain does not have a dedicated source of revenue, and electrification and modernization is needed.

Caltrain Representative Simon described Caltrain's express service which was initiated in recent years, resulting in an increase in ridership and revenues. Modernization could result in more stops with a quicker trip time. High speed rail could provide the revenue for Caltrain's improvements. The mutual benefit is outlined in the memorandum of understanding (MOU) between the two agencies. He clarified that the MOU does not guarantee or provide access to Caltrain's right of way, and the Joint Powers Board (JPB) would still own the right-of-way. He acknowledged that cities need information on all the alternatives for high speed rail, and they should hold the High Speed Rail (HSR) Authority accountable for that information. The final project should be better than what exists on the Caltrain corridor. He suggested that HSR could construct the project in phases and only do what is needed now. He recommended that the City of Belmont write to the HSR Authority to request reconsideration of their decision regarding the rail alignment for the Peninsula.

In response to Council questions, Caltrain Representative Simon acknowledged that the HSR Authority has not communicated well regarding this project. He noted that grant monies come with flexibility as to how they can be spent. There is a need for a permanent long-term solution for infrastructure improvements for Caltrain, and combining high speed rail with Caltrain could provide the opportunity to make those improvements sooner. He noted that if all train crossings were grade-separated, Caltrain could run trains at 120 miles per hour.

Discussion ensued regarding the deficit and the State's takeaway of gas tax revenues.

In response to Council questions, Caltrain Representative Simon clarified that Caltrain's position is that high speed rail should be a benefit to the Peninsula. It recognizes that some cities are adversarial to the project. He clarified the voting power of the JPB, and that Caltrain is not prepared to bring in high speed rail at any cost. He noted that the cities of San Jose and San Francisco need Caltrain to survive. He stated that high speed rail could function on the existing Caltrain track, with a need to expand to four tracks in some areas for passing and express service.

Councilmember Lieberman noted that no information has been provided on a partial build-out of the project. Caltrain Representative Simon responded that it is likely that the HSR Authority has the information, but has not released it.

Councilmember Feierbach stated that she understood that freight trains cannot use the same track as high speed rail. She expressed concerns regarding aesthetics if the project is only partially built out. Caltrain Representative Simon stated that the existing berm could be removed. He concurred that the City Council needs information in order to make an informed decision.

George Burgess, Belmont Chamber of Commerce, encouraged the City Council not to join the lawsuit brought on by other cities against the High Speed Rail Authority.

Judy King, Belmont resident, stated that high speed rail should be built in the East Bay where the growth is. She noted this is a quality of life issue. She would be directly affected by the project.

Dianne Keogh, Belmont resident, stated that the City of Belmont has been trying to get information from the High Speed Rail Authority on the proposed project. She noted that high speed rail is not quiet. She stated that the volume of trains will increase. She commented that although she does not live near the rail line, she is concerned about the project.

Adele Della Santina, Belmont resident, stated that people voted for high speed rail in concept only. She noted that the Peninsula is one continuous city. High speed rail should stop in San Jose and use that station as a hub. Caltrain needs to be upgraded. Businesses were greatly affected by the grade separation project, and she expressed concern regarding the impact of high speed rail.

Kristin Mercer, Planning Commissioner, questioned whether the Caltrain upgrades are contingent on high speed rail. She also questioned how connectivity would be improved, and whether shortening the travel time would increase ridership. She noted that proponents of the project are questioning the need for use of overhead electrical wires, since better technology could be available. She noted that the proposed mitigation for the overhead wires is to build sound walls.

ADJOURNMENT at this time, being 7:30 P.M.

REGULAR MEETING
CALL TO ORDER 7:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Braunstein, Wozniak, Lieberman

COUNCILMEMBERS ABSENT: Warden

Staff Present: City Manager Scoles, City Attorney Zafferano, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Fire Chief Fry, Deputy Finance Director Tu, Deputy Finance Director Lazzari, Parks and Recreation Director Gervais, Police Captain DeSmidt, City Treasurer Violet, City Clerk Cook.

PLEDGE OF ALLEGIANCE

Led by City Manager Scoles.

SPECIAL PRESENTATIONS

Proclamation Declaring October as Arts and Humanities Month

Mayor Wozniak presented the proclamation.

Julie Fellars, President, Peninsula Arts Council, stated that the National Arts and Humanities month was the largest coast-to-coast campaign, with its goal being to communicate the importance of arts in the community.

Sustainable San Mateo County Energy Efficiency Program

Michael Moyer, Sustainable San Mateo County, stated that energy efficiency is likely to be a low priority for most people. He clarified that to be energy efficient does not mean that one must be uncomfortable. Homes should be properly sealed and insulated. Energy efficiency can be analyzed through a diagnostic approach, and making one's home energy efficient can result in savings. He stated that the diagnostic program is available at no cost.

Presentation by Belmont Community Players

Members of the Belmont Community Players invited the community to its annual Melodrama. They thanked the City of Belmont and the Parks and Recreation Department for their support over the years.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Kathleen Beasley, Library Branch Manager, invited the community to upcoming events and programs.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Wozniak announced: 1) Save the Music Festival on October 3, 2) applications are being accepted for the High Speed Rail Ad Hoc Committee, 3) the recent Creek Cleanup resulted in over 1300 pounds of trash being removed from Belmont waterways, 4) City Hall will be closed on Monday, October 11, in observance of Columbus Day.

Mayor Wozniak presented a Proclamation in recognition of Hereditary Cancer Month.

AGENDA AMENDMENTS

Mayor Wozniak requested that Item 9 (Consideration for the Establishment of Limited Hours for Dogs Off-Leash at Barrett) be considered immediately following the Consent Agenda.

Councilmember Lieberman requested removal of Consent Item 4-F (Resolution Authorizing an Advance from the Fleet and Equipment Management Fund to the Open Space Fund in the Amount of \$1,404,518 in Lieu of Previously Authorized External Bank Borrowing) and Councilmember Feierbach requested the removal of Consent Item 4-H (Resolution Authorizing Issuance of a Purchase Order in the Amount Not to Exceed \$23,000 to Konica Minolta for Acquisition of Multi-Function Printing Equipment) for separate consideration.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special Meeting of August 24, 2010

Acceptance of Informational Report for the U.S. Highway 101 Pedestrian/Bicycle Bridge Project, City Contract Number 433

Motion to Approve Response to Grand Jury Report on Sex Offender Law Enforcement in San Mateo County

Approval of Resolution 10282 Accepting Work, Approving As-Built Plans, and Authorization to Issue a Notice of Substantial Completion for the Marburger Avenue Road Repair Project, City Contract Number 499

Approval of Resolution 10283 Authorizing the Filing of an Application for the Pavement Management Technical Assistance Program (P-TAP) Round 12 with the Metropolitan Transportation Commission (MTC) for the Total Maximum Amount of \$20,000, and Committing the Necessary Local Match in the Amount of \$4,000

Approval of Resolution 10284 Accepting Work, Approving As-Built Plans, and Authorization to Issue a Notice of Substantial Completion for the 2009 Storm Drain Improvement Project, City Contract Number 501

Approval of Resolution 10285 Authorizing the City Manager to Execute a Construction Contract for the Belmont Creek Dredging Project for an Amount not to Exceed \$24,900

Approval of Resolution 10286 Authorizing the City Manager to Enter Into a Professional Services Agreement with Ninyo & Moore for Geotechnical Consultation Services During Construction of Semeria Park for an Amount of \$5,992

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Lieberman, the Consent Agenda was unanimously approved, as amended, by a show of hands (4-0, Warden absent).

ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution Authorizing Issuance of a Purchase Order in the Amount Not to Exceed \$23,000 to Konica Minolta for Acquisition of Multi-Function Printing Equipment

Information Services Director Harnish provided a history of the acquisition of copy machines by the various City departments. She described the new technology available with the use of a multi-function printer (MFP), which also serves as a copy and fax machine. She described the request for proposal process used to ascertain costs. She noted there would be some savings with the purchase of these machines through Konica Minolta. She outlined the pilot project which would be phased in. She explained that it is not cost effective to refurbish older machines, and she noted that the maintenance cost is \$1,800 per year.

Councilmember Feierbach stated that the total cost for this project is \$150,000 at full implementation. She noted that the City is experiencing budget issues and it is not prudent to expend this money at this time. She suggested maintaining the existing machinery at this time.

Finance Director Fil explained that there is a cost to operate existing machines beyond repair costs, including leases and supplies, which total approximately \$65,000 per year. He described the other functions and efficiencies that would be realized with the transition to the MFP's. He clarified that there would be savings over a five-year phase-in approach.

In response to Councilmember Feierbach, Information Services Director Harnish stated that repair and maintenance budgets for existing equipment would need to be reinstated if this pilot project is not instituted at this time.

Council concurred to postpone this matter at this time. City Manager Scoles stated that staff can evaluate the timing of bringing this issue back to the City Council for further consideration.

Resolution Authorizing an Advance from the Fleet and Equipment Management Fund to the Open Space Fund in the Amount of \$1,404,518 in Lieu of Previously Authorized External Bank Borrowing

Finance Director Fil clarified that the loan for this purchase has been made from pooled cash, and has not been assigned a fund, which is what is needed at this time.

Councilmember Lieberman expressed concern regarding the risk to the Fleet and Equipment Management Fund if the funds are depleted.

Finance Director Fil stated that the City would not be precluded from securing an external loan, but that approach is not desirable, as the City would be paying to borrow its own money. He clarified that this is an interim solution that is more cost effective.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, Resolution 10287 Authorizing an Advance from the Fleet and Equipment Management Fund to the Open Space Fund in the Amount of \$1,404,518 in Lieu of Previously Authorized External Bank Borrowing was unanimously approved by a show of hands (4-0, Warden absent).

MATTERS OF COUNCIL INTEREST/CLARIFICATION (item taken out of order)

Consideration for the Establishment of Limited Hours for Dogs Off-Leash at Barrett (Mayor Wozniak)

Mayor Wozniak described the request from some members of the community to establish off-leash dog hours at Barrett. She requested consideration for placing this matter on the Priority Calendar for further consideration.

Parks and Recreation Director Gervais stated that the Parks and Recreation Commission could work with all the users of Barrett Community Center to develop alternatives regarding this request. He expressed concern that other priorities are currently consuming the majority of time for the Parks and Recreation Department.

Sharon Zezima, Belmont resident, expressed support for studying this issue. She noted that there is a vibrant group of responsible dog owners who use Barrett. There is a need to adequately serve dogs in the community, and the Cipriani Dog Park is not adequate.

Kelsi Perttula, Belmont resident, clarified that the dog owners are requesting hours during times when the field is not being used for organized sports.

Aanand Varanasi, Belmont resident, stated that this would be an opportunity to create community and is a quality of life issue. He noted there would be peer pressure by other dog owners to clean up after one's own dog.

George Mastalir, Belmont resident, stated that he had been visiting Barrett for many years and is now a dog owner. He described the community that has been created by the dog owners.

Rafal Klopotoski, Belmont resident, stated that many people visit Barrett who do not own dogs, including those who may not be able to own a dog due to their living situation.

Frank Henry, Belmont resident, stated that those using Barrett are responsible pet owners. He stated that the complaints provided by the Police Department were violations of the ordinance prohibiting off-leash dogs, not for other reasons. He stated that children are more liable to get hurt on the playground equipment than by a dog bite.

Gin Nikoloff, Belmont resident, stated those who use Barrett are responsible dog owners who clean up after their dogs. She expressed appreciation for the scoop bags that are provided at Barrett. She stated she does not support allowing misbehaved dogs at Barrett.

Kal Deutsch, Belmont resident, stated that the Belmont dog community is under-served compared to other cities. He noted that best practices are available for mixed use facilities.

Councilmember Lieberman stated that this is not an easy issue, and he expressed support for the Parks and Recreation Commission looking into this matter.

Parks and Recreation Director Gervais stated that the City of San Mateo recently spent 200 hours researching and studying a similar issue. He expressed concern regarding the allocation of staff time and resources. He noted that the sports groups would need to be included in discussions. He clarified that work on some capital projects could be delayed due to work load.

Councilmember Feierbach expressed concern regarding the hours that are being proposed for off-leash dogs. She noted that she is interested in looking at options for the use of Barrett, as well as upgrades to the building. It is an under-utilized facility. She stated that there are good dog owners as well as bad dog owners. She expressed concern about how future restrictions would be obeyed if the existing ordinance requiring dogs to be leashed is being violated. She noted that the entire Barrett field is not fenced. She stated that this issue could result in requests for changes in other parks in Belmont. She expressed concern regarding the mixing of small children and large dogs, and she noted that the Cipriani Dog Park has separate areas for large and small dogs. There

are diverse interests at Barrett, some of which are not mutually compatible. She commented that safety is important.

Councilmember Braunstein noted that Councilmember Feierbach has raised realistic concerns which he does not share. He noted that Barrett is not exclusive to any one group. He expressed support for having the Park and Recreation Commission look into this matter.

Mayor Wozniak expressed support for a review of this issue. She noted that the solution does not need to be costly and that the dog owners would likely help with the research.

With the exception of Councilmember Feierbach, Council concurred to have the Parks and Recreation Commission look into this matter.

RECESS: 9:05 P.M.

RECONVENE: 9:10 P.M.

OLD BUSINESS

Tree Ordinance Review and Update

Parks and Recreation Director Gervais stated that the existing Tree Ordinance was enacted in 1999 and updated in 2004, and needs further refinement. He reviewed the existing regulations and commented that it is confusing regarding species and measurement. He noted that the goal is to reduce confusion, improve compliance, simplify, and encourage replanting. He described the impacts of the proposed changes on how tree removal permits are handled. He noted that one addition is the requirement of the posting of tree permits at the property site. He stated that currently there are no permit fees, and the Council may wish to consider cost recovery.

Councilmember Lieberman concurred with the goal of simplification.

In response to Council questions, Parks and Recreation Director Gervais clarified that the 10-inch measurement is the average size for tree maturity, and is a common measurement. He also clarified that the new ordinance would require replacement of unprotected species on commercial and school properties. Community Development Director de Melo added that the ordinance would require replacement on all properties, including city-owned.

Mayor Wozniak expressed support for the tree replacement component of the ordinance. She is concerned regarding the cost of the permit.

Kristin Mercer, Planning Commissioner/Tree Ordinance Committee, stated that the proposed ordinance is not over-regulating. She noted that a 10-inch tree is large. She described clandestine tree removal in her neighborhood, which resulted in no tree replacement. She expressed support for the requirement to post the tree permit. She noted that the new ordinance will improve compliance, and is fair.

Councilmember Lieberman recommended communicating ordinance changes to all business license holders that deal with landscaping, including gardeners.

Information Report on Implementation of the Administrative Code Enforcement Team (ACET) Program

Community Development Director de Melo stated that the City is taking a more proactive approach to code enforcement. He noted that staffing and budget issues have slowed the progress for implementation, but he clarified that code enforcement is ongoing and the Administrative Code Enforcement Team (ACET) continues to meet.

Councilmember Feierbach commended the Community Service Officers for their efforts.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Mayor Wozniak noted that the Peninsula Cities Consortium meetings will begin meeting in Palo Alto.

Councilmember Braunstein provided a brief overview of topics discussed at a recent Office of Emergency Services Council meeting. He noted the upcoming launch of the new 2-1-1 system.

Update on High Speed Rail

Community Development Director de Melo summarized the recent outreach meetings that were held. He noted they were well attended.

Mayor Wozniak recommended that the presentation made at those outreach meetings be given to each of the Commissions.

George Burgess, Belmont Chamber of Commerce, encouraged the City Council not to join the lawsuit brought on by other cities against the High Speed Rail Authority. He recommended using the resources for other issues such as lobbying. He noted that Gubernatorial Candidate Whitman is against the project.

Kathy Hamilton, Menlo Park Resident, thanked the City Council for tonight's presentation. She noted that the High Speed Rail Authority has not followed appropriate CEQA (California Environmental Quality Act) laws, and its analysis has not been done properly. She noted that the project has been based on flawed ridership data, and the rail route has not been properly analyzed. She explained that the issue is the process. Joining the lawsuit will provide a seat at the table. She stated that the City of Menlo Park's position is that the project be done well, and Menlo Park supports undergrounding or tunneling.

Review of Council Protocols

This item was continued to a date uncertain.

Verbal report from City Manager

City Manager Scoles described the Creek cleanup activities that recently took place. He noted that the City will have a booth at the upcoming Save the Music Festival. He explained that City staff is working with Cal Trans regarding signals on Ralston Avenue at El Camino Real. He

announced that the contract for the construction of Semeria Park was recently executed, and the project would be completed within 90 days.

RECESS: 10:00 P.M. (to Closed Session)

CLOSED SESSION

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9(c),
Initiation of Litigation: Two Cases

Attended by: Attended by: Councilmembers Feierbach, Wozniak, Lieberman, City Manager Scoles, Community Development Director de Melo, Finance Director Fil, City Attorney Zafferano. Councilmember Warden was absent, and City Clerk Cook was excused from attending.

RECONVENE: 10:00 P.M.

REPORT FROM CLOSED SESSION

City Attorney Zafferano stated that in the Closed Session, the City Council made a decision not to join the High Speed Rail lawsuit. In the second case, he noted that the Council gave direction to move forward with the filing of a test claim regarding the Municipal Regional Permit system (MRP).

ADJOURNMENT at this time, being 10:55 P.M.

Terri

Cook

City Clerk

Meeting Tape Recorded and Videotaped (except Closed Session)

Audio Recording 769